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IFW 5DRC
PATENT
574313-2180.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : ALLAN *et al.*
U.S. Serial No.: 10/624,049
Filed : July 21, 2003
For : PORCINE CIRCOVIRUSES, VACCINES AND DIAGNOSTIC REAGENTS
Art Unit : 2673

745 Fifth Avenue
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 24, 2004.

Anne-Marie C. Yvon, Reg. No. 52,390
(Name of Applicant, Assignee or Registered Representative)

Anne-Marie C. Yvon
Signature

May 24, 2004

Date of Signature

**RESPONSE TO NOTICE OF OMITTED ITEMS AND
PETITION TO BE AWARDED FILING DATE**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice of Omitted Item(s) in a Nonprovisional Application mailed on April 15, 2003, setting a two-month term for reply. Enclosed, along with a copy of the Notice of Omitted Item(s), is Figure 7A.

The Notice of Omitted Item(s) in a Nonprovisional Application required submission of Figure 7A which was inadvertently omitted during the filing of the above-identified application. A copy of Figure 7A is enclosed.

Also enclosed is a copy of the Utility Patent Application Transmittal form that was filed with the present application on July 21, 2003. Box 18 of the Transmittal states:

05/27/2004 EFLORES 00000081 10624049

01 FC:1460

130.00 OP

The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

This application is a divisional of U.S. application Serial No. 09/884,514, filed on June 19, 2001, now U.S. Patent No. 6,660,272. As the Transmittal shows and the return receipt postcard (copy enclosed) verifies, an oath or declaration was supplied under Box 5b. Therefore, Figure 7A, which was inadvertently omitted, is considered part of the application disclosure as of July 21, 2003 due to the incorporation by reference stated on the Transmittal. Accordingly, the present application should be awarded a filing date of July 21, 2003, and such action is requested.

The petition fee of \$130.00 is enclosed. The Commissioner is authorized to charge any additionally required fees to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: Anne-Marie C. Yvon
Thomas J. Kowalski
Reg. No. 32,147

Anne-Marie C. Yvon, Ph.D.
Reg. No. 52,390
Tel. (212) 588-0800
Fax (212) 588-0500



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/624,049	07/21/2003	Gordon Allan	454313-2180.3

20999
 FROMMER LAWRENCE & HAUG
 745 FIFTH AVENUE- 10TH FL.
 NEW YORK, NY 10151



CONFIRMATION NO. 9983
 WITHDRAWAL NOTICE



OC000000012372289

Date Mailed: 04/15/2004

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 01/13/2004 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

DOCKETED

APR 20 A 9:59
 FROMMER, LAWRENCE
 & HAUG, LLP

*A copy of this notice **MUST** be returned with the reply.*

Z. Haug
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/624,049	07/21/2003	Gordon Allan	454313-2180.3

20999
 FROMMER LAWRENCE & HAUG
 745 FIFTH AVENUE- 10TH FL.
 NEW YORK, NY 10151



CONFIRMATION NO. 9983

FORMALITIES LETTER



OC000000012372559

Date Mailed: 04/15/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **7A** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Z. Hayes
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

454313-3180.3 By AcuMode

File No. 110011111111

Title In the Matter of the Application of John A. et al.
The following due in the U.S. Patent Office, was received in the Patent Office

- Express Mail Mailing Certificate
 (separate sheet) 441 for \$ 173.00
 Check No. 21707
 Deposit Account Order Form
 Drawing 18 Sheet(s)
 Information Disclosure Statement
 PTO Form 1449
 Issue Fee Transmittal
 Brief
 Application for TM Registration
 Specimens
 Including Specimens
 Request for Extension of Time
 Application for Patent, including Claims
 36 Pages Specification 5 Divisional
 Declaration Oath Power
 Request for Filing Continuation 1 sheets, in duplicate
 Application 1 sheets, in duplicate
 File Wrapper Continuation Patent Application
 1 sheets, in duplicate
 PCT Request 1 sheets, including Sequence listing
 Transmittal Letter to the US/IRO
 Assignment Recordation Cover Sheet
 Priority Document
 Small Entity Declaration
 Sequence listing

07/21/03
10/624049 PTO
21707



MAY 26 2004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

④ P E P
PATENT & TRADEMARK OFFICE
**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	454313-2180.3
First Inventor	ALLAN et al.
Title	PORCINE CIRCOVIRUSES, VACCINES AND DIAGNOSTIC REAGENTS
Express Mail Label No.	EV142956112US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 36]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix.
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s)(35 U.S.C. 113) [Total Sheets 18]
5. Oath or Declaration [Total Pages 16]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76.

Addressed to: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CFR)
 - b. Specification sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & documents(s))
10. 37 CFR 3.73(b) Statement
(when there is an assignee) Power of Attorney
 Power of Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach from PTO/SB/35 or its equivalent.
17. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/884/514
Prior application information: Examiner: Shanon A. Foley Group/Art Unit: 1648

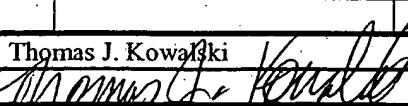
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label



or Correspondence address below

Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			
Name (Print/Type)	Thomas J. Kowalski	Registration No. (Attorney/Agent)	32,147		
Signature			Date	July 21, 2003	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.



15/18

FIG. 7A

8con.s = séquence clone pGEM-7/8
 pcveco = séquence souche PCV PK/15

SCORES Init1: 2517 Initn: 3774 Opt: 4010
 75.8% identity in 1785 bp overlap

1769	1759	1749	1739	1729	1719
8con.s GAATTCTGGCCCTGCTCCCCCATCACCCAGGGTGTAGGGAGTGGGCTCCACTGCTGTT					
pcveco GAATTTCACCCAGAGACCCCATCACCTCTAACAAAGAGGTGTTGGGCTCCACTGTTGTT					
10	20	30	40	50	60
1709	1699	1689	1679	1669	1659
8con.s ATTCTAGATGATAACCTTGTAACAAAGGCCACAGGCCCTAACCTATGACCCATATGAAAC					
pcveco ATCTTGGATGCCAACCTTGTAACCCCTCCACCAACTTGGCTATGACCCCTATATTAAC					
70	80	90	100	110	120
1649	1639	1629	1619	1609	1599
8con.s TACTCCTCCGCCATACAATCCCCAACCTTCTCCTTACCACTCCGTTACTTCACACCC					
pcveco TACTCCTCCGCCACACCATAAGGCAGGCCCTTACCACTTACCACTCCAGGTACTTCACACCC					
130	140	150	160	170	180
1589	1579	1569	1559	1549	1539
8con.s AAACCTGTTCTGACTCCACTATTGATTACTTCCAACCAAATAACAAAAGGAATCAGCTT					
pcveco AAACCTGAGCTGGACCAAACAATTGATTGGTCCACCCAAATAATAAGAAACCAGCTG					
190	200	210	220	230	240
1529	1519	1509	1499	1489	1479
8con.s TGGCTGAGGCTACAAACCTCTAGAAATGGACCACTGTAGGCCTCGGCACGTGCGTTGAA					
pcveco TGGCTCCATTAAACACCCACACCAATGTCGAGCACACAGGCCTCGGCTATGCGCTCCAA					
250	260	270	280	290	300
1469	1459	1449	1439	1429	1419
8con.s AACAGTATATAC-GACCAGGACTACAATATCCGTGTAAACCATGTATGACAATTAGAGA					
pcveco AA-TGCAGCCACAGCCAAAATTATGGTAAGGCTGACTATTATGACAATTAGAGA					
310	320	330	340	350	
1409	1399	1389	1379	1369	1359
8con.s ATTTAATCTTAAAGACCCCCCACTTAAACCCCTAAATGAATAATAAAACCATTAGAAGT					
pcveco ATTTATCCTAAAAGACCTC---TAAAT-AAAATAAAAACCATTACGATGT					
360	370	380	390	400	410
1349	1339	1329	1319	1309	1299
8con.s GAT---AAAAAAGACTCAGTAATTATTCATATGGAAATTAGGGCATGGGGGGAAAG					
pcveco GATAACAAAAAAGACTCAGTAATTATGGAAAAGGGCACAGGGTGGTCCAC					
420	430	440	450	460	470